

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

RANDY RUSSELL YBARRA,

Plaintiff,

v.

CAUSE NO. 3:21-CV-418-RLM-MGG

RON NEAL and SGT. LEWIS,

Defendants.

OPINION AND ORDER

Randy Russell Ybarra, a prisoner without a lawyer, filed a motion asking for a default judgment because the defendants didn't file a sur-reply. ECF 73. Default is appropriate when a defendant "has failed to plead or otherwise defend . . ." Federal Rule of Civil Procedure 55(a). These defendants both plead and defended. They were permitted, but not required, to file a sur-reply. Not doing so is not a basis for a default judgment.

For these reasons, the motion (ECF 73) is DENIED.

SO ORDERED on January 3, 2023

s/ Robert L. Miller, Jr.
JUDGE
UNITED STATES DISTRICT COURT